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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
CHOKSHI, PINKAL R

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/509,643	MA ET AL.
Office Action Summary	**Examiner**	**Art Unit**
	Pinkal Chokshi	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 September 2005</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-28</u> is/are rejected.
7)☒ Claim(s) <u>4 and 24</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>29 September 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 4 and 24 are objected to because of the following informalities:

*   Claim 4 recites "The device of claim 1, comprising a portal input adapted top

    receives..." The office assumes "The device of claim 1, comprising a portal

    input adapted **to** receive..."

*   Claim 24 recites "The method of claim 11, comprising..." Claim 11 has a

    device and not a method. The office assumes "The method of claim **19**,

    comprising..."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   **Claims 1-11 and 19-28** are rejected under 35 U.S.C. 102(b) as being anticipated

by US Patent 6,097,441 to Allport et al (hereafter referenced as Allport).

Regarding **claim 1**, "a handheld device employing disparate sources to

provide an electronic programming guide" reads on the remote control device

that receives broadcast data as well as Internet data (col.3, lines 52-57)

disclosed by Allport and represented in Figs. 1 and 2. As to "a device

comprising: an input adapted to receive a program identification extracted from a broadcast signal, wherein the program identification is adapted to identify available media content" Allport discloses (col.12, lines 8-18) that the remote control is programmed such that the commands could be sent to receive embedded data related to the program being broadcast such as actors biographies, historical facts, etc.

As to "a synchronization engine adapted to create multilevel links associating the program identification with multiple levels of additional information relating to the available media content, wherein at least one level of the additional information is acquired from a disparate content source, and the multilevel links are synchronized to successively lead to progressively more detailed levels of the additional information" Allport discloses (col.12, lines 29-41) that the embedded data received by remote control includes the lists of web sites associated with the programming to user's remote control display device. This list of web sites represents multi-level links that are used to display additional detailed data to the video program being displayed as represented in Fig.2 (element 75).

As to "a user interface adapted to communicate the multiple levels of additional information in association with the program identification to a consumer based on the multilevel links" Allport discloses (col.6, lines 49-54) that the remote control's display device displays Internet contents. Allport further

discloses (col.12, lines 11-41) that the user is able to browse the web sites data

on the remote control to receive more information about the programming.

Regarding **claim 2**, "the device comprising a data request module adapted

to identify the additional information at a remote location on a communications

network" Allport discloses (col.14, lines 42-53) that the receiver in remote control

device transmits/receives data request through modem chipset to the network as

represented in Fig.3 (element 145).

Regarding **claim 3**, "the device comprising a data request module adapted

to request the additional information from a remote location over a

communications network based on the program identification" Allport discloses

(col.14, lines 42-53) that the receiver in remote control device transmits/receives

program request through modem chipset to the network as represented in Fig.3

(element 145). Allport further discloses (col.12, lines 15-17) that the information

is being related to the program.

Regarding **claim 4**, "the device comprising a portal input adapted to

receive the additional information from a remote location over a communications

network" Allport discloses (col.9, lines 51-53; col.13, lines 6-7) that the Internet

data, in addition to broadcast data, are received in remote device via base station

as represented in Fig.3 (element 95).

Regarding **claim 5**, "the device comprising a web browser adapted to store the additional information in a memory of the handheld device" Allport discloses (col.6, lines 61-64; col.7, lines 61-67; col.11, lines 12-16) that the remote control device browses the web to watch a TV program and stores the channel information received from broadcast source and the Internet source to it's memory.

Regarding **claim 6**, "the device wherein said user interface is adapted to communicate the program identification to the consumer" Allport discloses (col.12, lines 15-17) that the broadcast TV signal contains program information.

Regarding **claim 7**, "the device wherein said user interface is adapted to detect a selection of the program identification by the consumer" Allport discloses (col.8, lines 5-16) that the remote control device allows user to select the channel he/she wants to watch.

Regarding **claim 8**, "the device wherein said synchronization engine is adapted, upon detecting the selection, to retrieve the additional information from a location in memory of the handheld device via a link between the program identification and the location" Allport discloses (col.7, line 59-col.8, line 4) that the additional Internet data is embedded in the TV signal where this data can be

viewed on the remote control's display and swapping this information on a display onto two display.

Regarding **claim 9**, "the device wherein said synchronization engine is adapted, upon detecting the selection, to retrieve the additional information from a remote location over a communications system via a link between the program identification and the remote location" Allport discloses (col.12, lines 29-41) that the embedded data received by remote control includes the lists of web sites associated with the programming to user's remote control display device. This list of web sites represents multi-level links that are used to display additional detailed data from the Internet source to the video program being displayed as represented in Fig.2 (element 75).

Regarding **claim 10**, "the device comprising: retrieving the additional information from a location via a link between the program identification and the location, wherein said retrieving occurs in response to said detecting and communicating the additional information to the consumer in response to said detecting" Allport discloses (col.12, lines 29-41) that the embedded data received by remote control includes the lists of web sites associated with the programming to user's remote control display device. This list of web sites represents multi-level links that are used to display additional detailed data from the Internet

source to the video program being displayed as represented in Fig.2 (element 75).

Regarding **claim 11**, "the device wherein said synchronization engine is adapted to create an electronic program guide data structure and source data structure" Allport discloses (col.7, lines 36-58) that the device creates a programming guide (ads) and as represented in Fig. 2 (element 85), broadcast station sends the video source to remote control.

Regarding **claim 19**, "a method of operation for a handheld device employing disparate sources to provide an electronic programming guide" reads on the remote control device that receives broadcast data as well as Internet data (col.3, lines 52-57) disclosed by Allport and represented in Figs. 1 and 2. As to "a method comprising: receiving a program identification extracted from a broadcast signal, wherein the program identification is adapted to identify available media content" Allport discloses (col.12, lines 8-18) that the remote control is programmed such that the commands could be sent to receive embedded data related to the program being broadcast such as actors biographies, historical facts, etc.

As to "creating multilevel links associating the program identification with multiple levels of additional information relating to the available media content, wherein at least one level of the additional information is acquired from a

disparate content source, and the multilevel links are synchronized to successively lead to progressively more detailed levels of the additional information" Allport discloses (col.12, lines 29-41) that the embedded data received by remote control includes the lists of web sites associated with the programming to user's remote control display device. This list of web sites represents multi-level links that are used to display additional detailed data to the video program being displayed as represented in Fig.2 (element 75).

As to "communicating the multiple levels of additional information in association with the program identification to a consumer based on the multilevel links" Allport discloses (col.6, lines 49-54) that the remote control's display device displays Internet contents. Allport further discloses (col.12, lines 11-41) that the user is able to browse the web sites data on the remote control to receive more information about the programming.

Regarding **claim 20**, "the method comprising identifying the additional information at a remote location on a communications network" Allport discloses (col.14, lines 42-53) that the receiver in remote control device transmits/receives data request through modem chipset to the network as represented in Fig.3 (element 145).

Regarding **claim 21**, "the method comprising requesting the additional information from a remote location over a communications network based on the

program identification" Allport discloses (col.14, lines 42-53) that the receiver in

remote control device transmits/receives program request through modem

chipset to the network as represented in Fig.3 (element 145). Allport further

discloses (col.12, lines 15-17) that the information is being related to the

program.

Regarding **claim 22**, "the method comprising receiving the additional

information from a remote location over a communications network" Allport

discloses (col.9, lines 51-53; col.13, lines 6-7) that the Internet data, in addition to

broadcast data, are received in remote device via base station as represented in

Fig.3 (element 95).

Regarding **claim 23**, "the method comprising storing the additional

information in a memory of the handheld device" Allport discloses (col.6, lines 61-

64; col.7, lines 61-67; col.11, lines 12-16) that the remote control device browses

the web to watch a TV program and stores the channel information received from

broadcast source and the Internet source to it's memory.

Regarding **claim 24**, "the method comprising communicating the program

identification to the consumer" Allport discloses (col.12, lines 15-17) that the

broadcast TV signal contains program information.

Regarding **claim 25**, "the method comprising detecting a selection of the program identification by the consumer" Allport discloses (col.8, lines 5-16) that the remote control device allows user to select the channel he/she wants to watch.

Regarding **claim 26**, "the method comprising retrieving the additional information from a location in memory of the handheld device via a link between the program identification and the location, wherein said retrieving occurs in response to said detecting" Allport discloses (col.7, line 59-col.8, line 4) that the additional Internet data is embedded in the TV signal where this data can be viewed on the remote control's display and swapping this information on a display onto two display.

Regarding **claim 27**, "the method comprising retrieving the additional information from a remote location over a communications system via a link between the program identification and the remote location, wherein said retrieving occurs in response to said detecting" Allport discloses (col.12, lines 29-41) that the embedded data received by remote control includes the lists of web sites associated with the programming to user's remote control display device. This list of web sites represents multi-level links that are used to display additional detailed data from the Internet source to the video program being displayed as represented in Fig.2 (element 75).

Regarding **claim 28**, "the method comprising: retrieving the additional

information from a location via a link between the program identification and the

location, wherein said retrieving occurs in response to said detecting and

communicating the additional information to the consumer in response to said

detecting" Allport discloses (col.12, lines 29-41) that the embedded data received

by remote control includes the lists of web sites associated with the programming

to user's remote control display device. This list of web sites represents multi-

level links that are used to display additional detailed data from the Internet

source to the video program being displayed as represented in Fig.2 (element

75).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 12-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent 6,097,441 to Allport et al (hereafter referenced as Allport) in view of US

Patent 5,635,989 to Rothmuller et al (hereafter referenced as Rothmuller).

Regarding **claim 12**, Allport meets all the limitations of the claim except

"the device wherein said synchronization engine is adapted to build the electronic

program guide data structure by scanning available source devices in the source

data structure." However, Rothmuller discloses (col.2, lines 1-3) that the system

creates a programming guide by searching program information for a plurality of

different program sources. Therefore, it would have been obvious to one of

ordinary skills in the art at the time of the invention to use multiple sources to

create EPG as taught by Rothmuller in order to allow the viewer to display a

schedule of the entire channel guide which contains programs from all the

available sources (col.1, lines 33-35).

Regarding **claim 13**, Allport meets all the limitations of the claim except

"the device wherein said synchronization engine is a adapted to parse content of

the source devices and construct the electronic program guide data structure

based on the content." However, Rothmuller discloses (col.2, lines 33-41) that

the system analyzes the program list to determine if program list is included in a

program guide that comprised program information from a plurality of different

program sources. Therefore, it would have been obvious to one of ordinary skills

in the art at the time of the invention to analyze program sources to create EPG

as taught by Rothmuller in order to allow the viewer to display a schedule of the

entire channel guide which contains viewer's favorite programs from all the

available sources (col.1, lines 33-35).

Regarding **claim 14**, Allport meets all the limitations of the claim except "the device wherein said synchronization engine is adapted to locate a program list view providing a first level of programming guide information including channels and programs of the electronic program guide data structure." However Rothmuller discloses (col.2, lines 3-6) that the program information on EPG includes the title of the program, channel and the time of the program. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to include channel number and program name in EPG as taught by Rothmuller in order for user to review and identify the program he/she desires to watch (col.2, lines 8-9).

Regarding **claim 15**, Allport meets all the limitations of the claim except "the device scans available sources to determine if multiple sources exist, to select a source with a most recent date and time stamp, and to retrieve content from a selected source. However, Rothmuller discloses (col.6, lines 40-47) that the device receives the program from the program source that replaces the oldest program title with the newest date/time stamp program title. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to choose the most recent time and date stamped source as taught by Rothmuller in order to compile a program guide.

Regarding **claim 16**, "the device wherein said synchronization engine is adapted to construct an electronic program guide view on a display of the device, and to provide a hyperlink on the display to a second level of electronic program guide information" Allport discloses (col.7, line 59-col.8, line 4) that the html data stripped from the TV signal and viewed on the remote control's display device.

Regarding **claim 17**, "the device wherein said synchronization engine is adapted to create a subsequent hyperlink directing the user to a third level of electronic program guide information" Allport discloses (col.12, lines 29-34) that the embedded data provides the access to web links of the program being broadcast to viewer's remote control device.

Regarding **claim 18**, Allport meets all the limitations of the claim except "the device wherein said synchronization engine is adapted to download electronic program guide contents to the device prior to a user request for electronic program guide contents." However, Rothmuller discloses (col.7, lines 45-58) that the processor in device periodically compares the favorite program list to the program guide, stores and generates the updated EPG to the device prior to viewer's selection. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to receive EPG data before the user request as taught by Rothmuller in order to use the EPG without user spending time to selecti the list of programs.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- US Patent 7,076,202 B1 to Billmaier et al discloses a system for providing an

    EPG to a mobile device.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Pinkal Chokshi whose telephone number is 571-270-

3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday

off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PRC/

BRIAN PENDLETON
SUPERVISORY PATENT EXAMINER